IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 7603 of 2004(E)

PETITIONERS:

----

1. PRAKASHAN, MADAPPATTITHARA VEEDU,
THURAVOOR, CHERTHALA, DIST. ALAPUZHA.

2. UTHAMAN, S/O.MADHAVAN, KIZHIPARAMBIL,
T.V.PURAM, VAIKOM, DIST. KOTTAYAM.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENTS:

----

1. THE WELFARE FUND INSPECTOR, KERALA
TODDY WORKERS WELFARE FUND BOARD, KOTTAYAM.

2. THE ASSISTANT EXCISE COMMISSIONER,
KOTTAYAM DIVISION, KOTTAYAM.

3. THE TAHSILDAR, VAIKOM.

BY ADV. SRI. A.K. JOHN, SC KTWWF BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 7603/2004 E

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER VIDE NO. K1/VAIKOM 16/17/99-00 DT. 26/3/01 BY THE R1.

EXT.P2. COPY OF THE CHALLAN DT. 12/12/00.

EXT.P3. COPY OF THE COMMUNICATION DT. 7/11/00 BY THE R1 TO THE P1.

EXT.P4. COPY OF THE PETITION DT. 5/2/2004 BY THE PETITIONERS TO THE R1.

EXT.P5 SERIES: COPIES OF THE RECEIPTS 15 IN NOS.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 7603 OF 2004

Dated this the 22nd day of June, 2007.

J U D G M E N T

In the matter of belated credit of remittance and consequential grievance, there is already an interim order passed by this Court on 15.03.2004, which reads as follows.

> "Since it is conceded that the petitioner had deposited Rs. 52,300/- towards advance contribution for the toddy workers welfare fund with the Assistant Commissioner of Excise on 17.03.1999 and the Assistant Commissioner of Excise transferred the funds to the Toddy Workers Welfare Fund only on12.12.2000, there will be a direction to the first respondent not to recover any interest from the petitioner on this amount from 17.03.1999 to 12.12.2000. It would be open to the first respondent to demand any other interest. The second respondent will file a statement in this court explaining as to why the amount collected from the licence towards advance contribution was not remitted by him in time. If the delay is on account of the second respondent, interest, if any, will be payable by the Govt. or the second respondent as the case may be to the Toddy Workers Welfare Fund".

There is no counter affidavit. The said order is made absolute and this writ petition is disposed of as follows.

2. Petitioners may approach the Government within a period of two months from today, in which case, the matter will be duly examined by the Government with notice to the petitioner and second respondent and appropriate action in the light of the said order will be taken, in accordance with law, within another four months.

KURIAN JOSEPH, JUDGE.

smp